

Application No.: 10/584,426
Filing Date: May 23, 2007

REMARKS

In response to the Office Action mailed April 7, 2010, Applicant respectfully requests the Examiner to reconsider the above-captioned Application in view of the foregoing amendments and the following remarks. By this paper, Applicant has amended Claims 1, 2, and 18, and added Claims 22-26. Accordingly, Claims 1-15 and 18-26 are currently pending in the present Application.

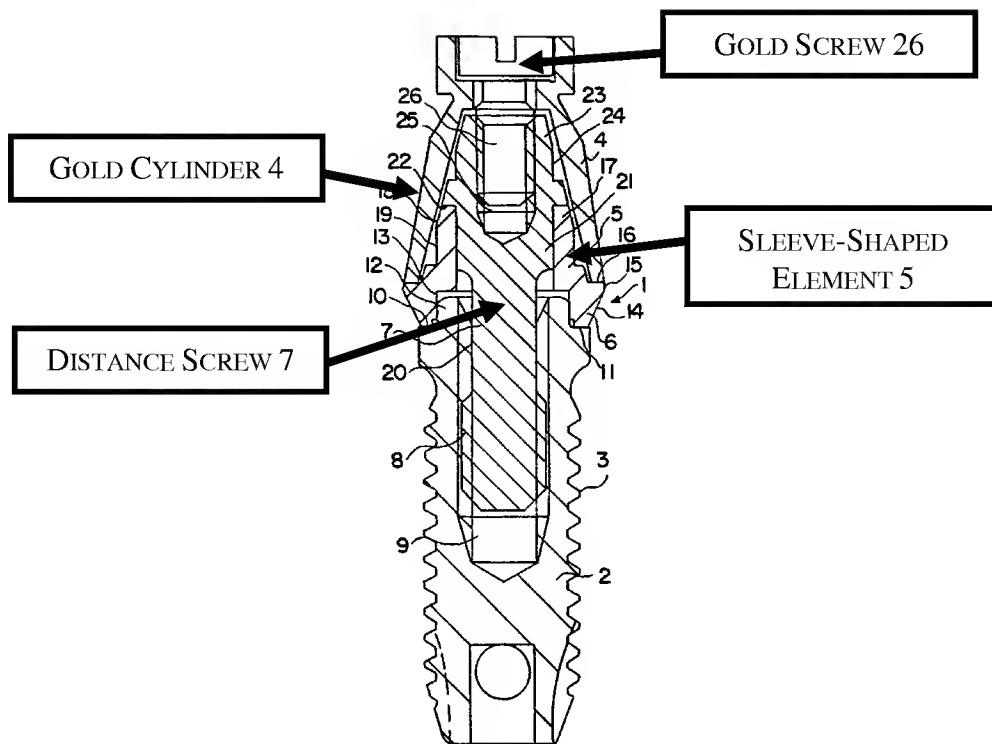
Claim Objections and Rejections under 35 U.S.C. §112

In response to the rejection of Claim 1 under Section 112, second paragraph, Applicant has amended Claim 1 to clarify that the screw is loosened prior to removal of the bridge and the second sleeve shaped part. Applicant believes that this amendment clarifies the subject matter and addresses the concern raised by the Examiner.

Prior Art Rejections

Next, Applicant notes that Claims 1-15 and 17-21 stand rejected under 35 U.S.C. 103(a). While Applicant reserves the right to prosecute Claims 1 and 2 as originally filed, Applicant has amended Claims 1 and 2 to expedite prosecution of this Application. Accordingly, Applicant respectfully requests that the present rejection of Claims 1 and 2, as well as the rejection of Claims 3-15 and 18-21 be withdrawn and that these claims be indicated as allowable.

The final Office Action recognizes that Jorneus fails to show rotating the screw to expand an outer surface of the first sleeve against the second sleeve. Nevertheless, the final Office Action argues that it would be obvious to combine Kownacki with Jorneus to provide this feature. However, the disclosure of Jorneus does not reasonably teach that one of skill could redesign Jorneus to allow access to the screw through the “conical gold cylinder 4” in order to rotate the screw and cause the “sleeve-shaped element 5” to expand against the inside of the “conical gold cylinder 4.” Jorneus also provides a “gold screw 26 which secures the gold cylinder 4 against the annular collar 16 of the sleeve-shaped element.” *Jorneus*, col. 3, lines 54-56.



As shown below in Figures 8-9 of Kownacki, Kownacki is directed to a dental implant having an abutment 20 with a plurality of flexible fingers 40. The abutment is fitted into an implant or fixture 12 and a screw 22 is used to cause the fingers 40 of the abutment to expand against an interior diameter of the fixture 12, thus securing the abutment 40 to the implant.

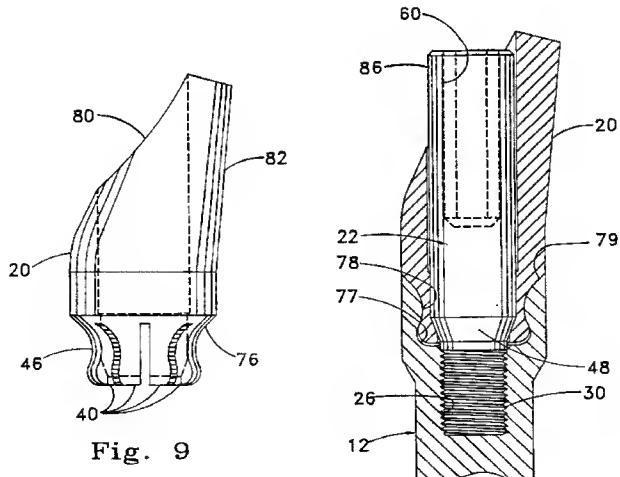


Fig. 8

In contrast to the Jorneus and Kownacki, Claim 1 recites a method comprising, *inter alia*,

rotating the screw in a first direction to contact a cone-shaped surface of a head of the screw against an inner surface of the first sleeve-shaped part as the screw moves into the first sleeve part to expand at least a portion of the first sleeve-shaped part such that the outer surface of the first sleeve-shaped part expands against the inner surface of the first portion of the second sleeve-shaped part to secure the second sleeve-shaped part to the first sleeve-shaped part; . . . [and]

rotating the screw in a second direction, opposite the first direction, to loosen the second sleeve-shaped part from the first sleeve-shaped part of the spacer member as the screw is withdrawn from the first sleeve part and at least a portion of the outer surface of the first sleeve-shaped part contracts . . .

Further, in contrast to the Jorneus and Kownacki, Claim 2 recites an arrangement comprising, *inter alia*,

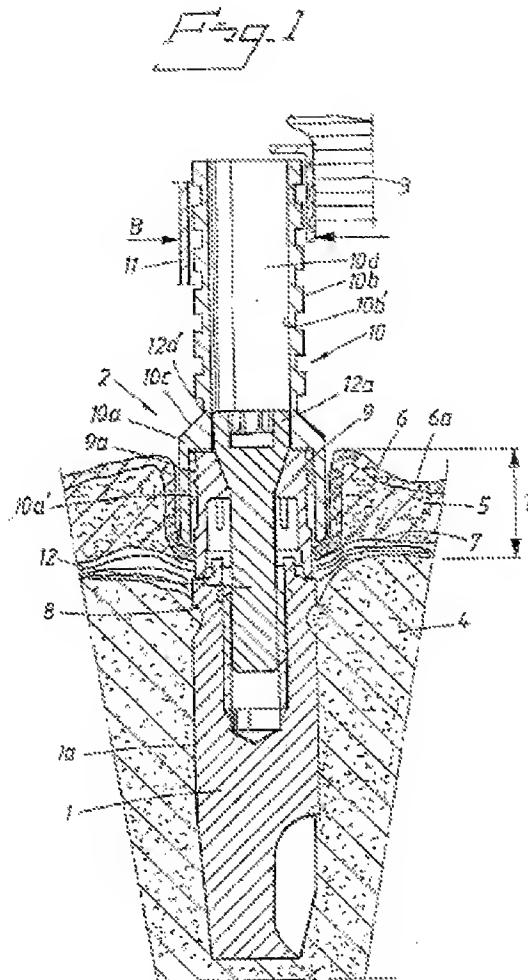
a spacer member . . . [comprising] first and second sleeve-shaped parts, the first sleeve-shaped part being attachable to the dental implant using a screw, the first sleeve-shaped part comprising an expandable structure at an upper end thereof and outer and inner surfaces, the screw having a head with a cone-shaped surface configured to contact the inner surface of the first sleeve-shaped part such that rotation of the screw into the implant causes expansion of the expandable structure of the first sleeve-shaped part, the second sleeve-shaped part comprising an inner surface configured to mate against the outer surface of the first sleeve-shaped part such that the second sleeve-shaped part is secured to the first sleeve-shaped part;

wherein the outer surface of the first sleeve-shaped part is expanded against the inner surface of the second sleeve-shaped part upon expansion of the at least a portion of the first-sleeve shaped part for securing the second sleeve-shaped part to the first sleeve-shaped part; and

wherein the second sleeve-shaped part comprises a portion that engages with a fastening member of the bridge for separating the second sleeve-shaped part from securement with the first sleeve-shaped part.

Figure 2 of the Applicant's Application, shown further below, illustrates an embodiment within the scope of Claims 1 and 2. The illustrated embodiment is configured with a "first sleeve-shaped part comprising an expandable structure at an upper end thereof." As shown, the head 12a of the screw 12 contacts the first sleeve-shaped part 9 to cause it to expand outwardly while the second sleeve-shaped part 10 is fitted on top of the first sleeve-shaped part 9. In this manner, the outer surface of the first sleeve-shaped part is expanded against the inner surface of the second sleeve-shaped part to secure the second sleeve-shaped part to the first sleeve-shaped part. Further, when the fastening member 11 of the bridge 3 is anchored to the second sleeve-

shaped part 10, the second sleeve-shaped part 10 can follow along with the bridge 3 and be separated from the first sleeve-shaped part 9 when the bridge 3 is removed.



As noted above, Jorneus already provides a “gold screw 26 which secures the gold cylinder 4 against the annular collar 16 of the sleeve-shaped element.” *Jorneus*, col. 3, lines 54-56. Thus, one of skill has no reason whatsoever to modify the design of Jorneus using the Kownacki reference to create an expansion mechanism as suggested by the Office Action.

Further, neither Jorneus nor Kownacki teaches a “second sleeve” that could be removed after the screw has been loosened. Instead, the attachment of the gold screw 26 in Jorneus would not allow the gold cylinder 4 to be removed along with the bridge.

Additionally, Applicant respectfully traverses the apparent attempt in the final Office Action to take Official Notice that it would be within the skill in the art to remove a bridge along

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with a second sleeve of an implant assembly having first and second sleeves. The Office Action has not shown this teaching in the prior art, and Applicant therefore traverses this suggestion.

Therefore, Applicant respectfully requests that the rejection of Claims 1 and 2, as well as that of Claims 3-15 and 18-21 be withdrawn and that these claims be indicated as allowable over the art of record.

New Claims

Applicant hereby submits new Claims 22-25 for consideration. These claims are believed to be allowable over the art of record. For example, Claim 22 is a dependent of Claim 2 and is believed to be allowable based on its own merit and for at least the reason that it depends from an allowable base claim. Further, Claim 23 is directed to an arrangement comprising, *inter alia*, a spacer member having,

a first sleeve-shaped part having an expandable structure at an upper end thereof and outer and inner surfaces, the inner surface being configured to be contacted by a surface of a head of a screw such that movement of the screw into the implant causes expansion of the expandable structure of the first sleeve-shaped part; and

a second sleeve-shaped part comprising an inner surface configured to mate against the outer surface of the first sleeve-shaped part when the first sleeve-shaped part is expanded such that the second sleeve-shaped part is secured to the first sleeve-shaped part, the second sleeve-shaped part further comprising a portion that engages with a fastening member of the bridge for separating the second sleeve-shaped part from securement with the first sleeve-shaped part.

Claims 24 and 25 are dependent from Claim 23 and are also believed to be allowable based on their own merit and for at least the reason that they depend from an allowable base claim. Thus, Applicant respectfully submits that the claims are in condition for allowance.

No Disclaimers or Disavowals

Although the present communication may include alterations to the Application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this Application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this Application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure,

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including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present Application.

CONCLUSION

Applicant respectfully submits that the above rejections and objections have been overcome and that the present Application is now in condition for allowance. Therefore, Applicant respectfully requests that the Examiner indicate that Claims 1-15 and 17-26 are now acceptable and allowed. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Applicant respectfully submits that the claims are in condition for allowance in view of the above remarks. Any remarks in support of patentability of one claim, however, should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments are made only to expedite prosecution of the present Application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Applicant also has not presented arguments concerning whether the applied references can be properly combined in view of, among other things, the clearly missing elements noted above, and Applicant reserves the right to later contest whether a proper reason exists to combine these references and to submit indicia of non-obviousness.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claim and drawings in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,
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